

REMARKS

The Office Action of September 27, 2007 has been carefully considered. Claims 8, 16, 22, 25 and 31 have been amended. Claims 8-16 and 22-33 are in this application.

The previously presented claims were rejected under 35 U.S.C. § 102(b) as anticipated by or under 35 U.S.C. § 103 as obvious in view of JP 2000-113906 to Nishimura et al. Applicant submits that Nishimura et al. do not teach or suggest the invention defined by the present claims.

Nishimura et al. teach a nitrile compound combined in a solvent of electrolyte salt including an ester radical.

In contrast to the invention defined by the present claims, Nishimura et al. do not teach or suggest a non-aqueous solvent having a nitrile including a carbonate radical. Accordingly, the electrolyte of claims 8-16 and 30-33 is not anticipated or obvious in view of Nishimura et al.

Claims 8-16, 22, 24, 28 and 30-33 were rejected under 35 U.S.C. § 102(b) as anticipated by or under 35 U.S.C. § 103 as obvious in view of JP 2000-067913 to Tabuchi et al.

Tabuchi et al. teach a non-aqueous electrolyte form of an ether based compound having a cyano group. Tabuchi et al. do not teach or suggest a non-aqueous solvent having a nitrile including a carbonate radical. Accordingly, the electrolyte of claims 8-16, 22, 24, 28 and 30-33 are not anticipate or obvious in view of Tabuchi et al.

Claims 8-16, 30-33, 22, 24-28 were rejected under U.S.C. § 102(b) as anticipated or under 35 U.S.C. § 103 as obvious in view of JP 2000-164249 to Hayashi et al.

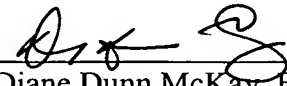
Hayashi et al. disclose nitriles containing ether radical as well as fluorine group, i.e., nitrile containing fluorinated ether radical.

In contrast to the invention defined by the present claims, Hayashi et al. do not teach or suggest a non-aqueous solvent having a nitrile including a carbonate radical. Accordingly, the electrolyte of claims 8-16, 22, 24, 28 and 30-33 are not anticipate or obvious in view of Hayashi et al.

In view of the foregoing, Applicant submits that all pending claims are in condition for allowance and request that all claims be allowed. The Examiner is invited to contact the undersigned should she believe that this would expedite prosecution of this application. It is believed that no fee is required. The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 13-2165.

Respectfully submitted,

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